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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

**NORTHWEST ENVIRONMENTAL
DEFENSE CENTER, WILDEARTH
GUARDIANS, and NATIVE FISH
SOCIETY,**

Case No. 3:18-cv-00437-HZ

Plaintiffs,

NOTICE OF RELATED CASE

v.

**U.S. ARMY CORPS OF ENGINEERS
and NATIONAL MARINE
FISHERIES SERVICE,**

Defendants,

and

CITY OF SALEM and MARION COUNTY,

Defendant-Intervenors,

Pursuant to Local Rule 42-2, Plaintiffs hereby submit this Notice of Related Case. The above-captioned case, Case No. 3:18-cv-00437-HZ, is related to the following recently-filed case: *WaterWatch of Oregon v. U.S. Army Corps of Engineers*, Case No. 3:20-cv-00413-MO.¹

Both cases concern the U.S. Army Corps of Engineers' ("Corps") operation of the Willamette River Basin Flood Control Project ("Project") and its effect on two species of fish listed as "threatened" under the Endangered Species Act ("ESA"). The cases present many of the same legal and factual issues, including specific impacts to the listed species from the Corps' operations of the Project and the Corps' legal duties under the ESA regarding those operations.

Plaintiffs submit that "[j]udicial economy and the need for consistent results" counsel in favor of both cases being assigned to Chief Judge Hernández. *See Evraz Inc., N.A. v. Travelers Indem. Co.*, Case No. 3:11-cv-00233-AC, 2013 WL 6241984, at *3 (D. Or. Dec. 3, 2013) ("When one judge manages two related cases, that judge will be aware of the rulings in each case and can ensure that inconsistent rulings on similar issues are avoided. Such an arrangement also makes it possible for the parties to brief the court on how best to avoid potential inconsistencies.").

Furthermore, the plaintiffs in *WaterWatch of Oregon* have filed a preliminary injunction motion (ECF No. 7) that will require the Court to quickly review the parties' materials and make a ruling. Chief Judge Hernández's familiarity with the complex scientific, factual, and legal matters at issue in the above-captioned case would significantly assist with review of the preliminary injunction in the *WaterWatch* case.

¹ The *WaterWatch* plaintiffs also filed this notice of related case in Case No. 3:20-cv-413-MO (ECF No. 14).

Dated: March 20, 2020

Respectfully submitted,

/s/Lauren M. Rule

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